



UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF THE UNITED STATES TRUSTEE
ANDREW R. VARA

UNITED STATES TRUSTEE, REGIONS 3 & 9

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In Re:

William J. Focazio,

Debtor.

Order Filed on November 19, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Chapter 11

Case No. 19-10880 (VFP)

Hearing Date: October 20, 2020 at 2:30 p.m.

Judge: Vincent F. Papalia

**ORDER DENYING DEBTOR'S ELECTION TO PROCEED UNDER SUBCHAPTER V
OF CHAPTER 11**

The relief set forth on the following page numbered two (2) is hereby **ORDERED**.

DATED: November 19, 2020

Handwritten signature of Honorable Vincent F. Papalia.

Honorable Vincent F. Papalia
United States Bankruptcy Judge

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William J Focazio

Case No.: 19-10880 (VFP)

Order Denying Debtor's Election To Proceed Under Subchapter V of Chapter 11

This matter having been brought before the court by the Debtor through his amended petition, (EFC. No. 189); and within the amended petition the Debtor having elected for the first time to proceed under Subchapter V of Chapter 11; and

WHEREAS objections to the amended petition having been filed by SB One Bank and Provident Bank, (ECF. No. 201), Allstate New Jersey Property and Casualty Insurance Company, (ECF. No. 202), the United States Trustee, (ECF. No. 204), and Edward A. Phillips, Chapter 11 trustee for the bankruptcy estate of William J. Focazio, (ECF. No. 208); and Fulton Bank, N.A. having filed a joinder to the United States Trustee's objection, (Doc. No. ECF); and the Debtor having filed a response, (ECF. No. 209); and

WHEREAS the court having conducted a hearing on October 20, 2020; and the parties having appeared and made their arguments; and for the reasons set forth on the record at the hearing in the court's oral opinion; and for good cause shown; and

WHEREAS the Subchapter V Trustee was appointed by the United States Trustee on August 18, 2020 (ECF No. 407). The denial of the Debtors' election shall not prejudice the rights or ability of the Subchapter V Trustee to file a final fee application for the interim period prior to the effective date of this Order; it is hereby:

ORDERED that the Debtor's election to proceed under Subchapter V of Chapter 11 is **DENIED**.